

R&E

DOCKET FILE COPY ORIGINAL

ROBERTS & ECKARD, PROFESSIONAL CORPORATION

1919 PENNSYLVANIA AVENUE, N.W., SUITE 222, WASHINGTON, D.C. 20006

TELEPHONE (202) 296-0533

TELECOPIER (202) 296-0464

March 23, 1993

ORIGINAL

RECEIVED

MAR 23 1993

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.--Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MM Docket No. 92-317

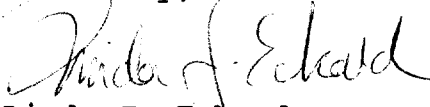
Dear Ms. Searcy:

On March 16, 1993, undersigned counsel to Milford Broadcasting Company filed an Opposition to Motion to Enlarge Issues. Attached as Exhibit 1 to the Opposition is a supporting affidavit from Kevin Galbraith. A photocopy of the original affidavit was submitted with the filing on March 16.

Enclosed for filing are the original affidavit and six additional copies. Please associate this letter with the Opposition filed in the above docketed proceeding.

Please contact the undersigned counsel if there are any questions.

Sincerely,


Linda J. Eckard

cc: Hon. Edward Luton--w/encl.
Paulette Laden, Esq.--w/encl.
Richard Swift, Esq.--w/encl.

No. of Copies rec'd
List A B C D E

046

RECEIVED

MAR 23 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CHESTER

I, Kevin Galbraith, being duly sworn, heraby states as follows:

1. I am a stockholder in Milford Broadcasting Company ("MBC"), an applicant for a new FM station to serve Milford, Iowa. I have read the Motion to Enlarge Issues filed by Sharon Mayer on March 1, 1993.

2. Ms. Mayer seeks to add an issue to determine whether MBC has complied with the FCC's rules concerning the maintenance of its public file. My recollection of the facts surrounding the location of the public file is as follows. Immediately after MBC filed its application, I contacted the Northwest Federal Savings Bank in Milford, Iowa, by telephone and spoke to Mrs. Fitzpatrick, the Branch Manager, to ask if the Bank would allow MBC to locate its public file there. She said that the Bank would be willing to maintain the file. By letter dated October 10, 1991, addressed to Mrs. Fitzpatrick I sent the public file to the Bank. Notice of the filing of the application was published in the Milford Mail on October 17, 24, and 31, 1991.

3. In December 1991 I was visiting my family during the Christmas holidays. I called the Bank and said that I would stop by to meet with Mrs. Fitzpatrick. When I arrived at the Bank I asked for Mrs. Fitzpatrick and believe that she is the woman with whom I met. However, I spoke to Mrs. Fitzpatrick on March 12, 1993, and learned that she does not specifically recall our meeting over 15 months ago. She did not deny that the meeting took place, only that she cannot now recall it. Therefore, although I think that Mrs. Fitzpatrick is the person with whom I met on that particular day in December 1991, it is possible that it was another representative of the Bank.

4. During my December 1991 meeting, the Bank representative with whom I met retrieved the public file from a drawer in her desk and handed the file to me. I knew that publication of the notice announcing the filing and location of the application had been completed about two months earlier and

thought that there was a period for reviewing the file which coincided with the publication of that notice. Therefore, I did not question the file being returned to me as I assumed that the period for reviewing the file had expired.

5. The issue of the availability of the public file did not arise until late February 1992 when MBC was preparing an amendment to its application. I learned then that a copy of the amendment would have to be placed in the public file. For the first time I learned that the file should not have been removed. I recall contacting the Bank at once to say that the file would have to be returned and to confirm that the Bank remained willing to maintain the file. My recollection is that I returned the file to the Bank immediately after the amendment was filed. From the time the file was established to the time that it was returned to the Bank, neither Mrs. Fitzpatrick nor any other representative of the Bank contacted me to tell me